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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,301	12/04/2003	David McQueeney	FIS920030175US1	1300
77212	7590	09/03/2009		
Cantor Colburn LLP - IBM Endicott 20 Church Street 22nd Floor Hartford, CT 06103			EXAMINER JANVIER, JEAN D	
			ART UNIT 3688	PAPER NUMBER
			NOTIFICATION DATE 09/03/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Art Unit: 3688

Incomplete Response

In the last Office Action, the Examiner had stated that “The applied reference (USP 6,539, 424B1 to Dutta) has a common Assignee with the Instant Application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). **This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.**” Here, although the Applicant had addressed the 101 and 102(e) rejections, however, it appears that the Applicant did not include any comment regarding the above since a proper showing under 1.132 or 1.131 can disqualify the reference as prior art under 102(e) or 103©. Even if the Applicant believes that the reference is not relevant, however, such comment or statement will be useful and helpful since it will expedite prosecution, while completing the record.

Furthermore, the materials featured in “General Comments” section are deemed relevant to the present claimed invention. However, the section was overlooked or completely ignored.

Once again, the Examiner wants to remind the Applicant that, under 37 CFR 1.111, all issues raised by the Examiner in the last Office Action should be addressed, in one way or another, by the Applicant for the Applicant’s response to be complete.

Having said that, Applicant is herein given one month to respond to the present correspondence.

Conclusion

Art Unit: 3688

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Robert Weinhardt, can be reached at (571) 272- 6633.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

08/31/09

/J. J./

/Jean Janvier/

Primary Examiner, Art Unit 3688